

CABINET – 25TH OCTOBER 2012

Supplementary Report of the Scrutiny Management Board Lead Member: Councillor Matthew Blain

Part A

ITEM 6 CALL-IN OF CABINET DECISION - LOCAL PLAN POSITION REPORT AND WAY FORWARD

Purpose of Report

To consider the recommendations of the Scrutiny Management Board following its consideration of three Call-ins of a Cabinet decision in respect of the Local Plan Position Report and Way Forward (Cabinet Minute 48 2012/2013).

Recommendations of the Scrutiny Management Board

That it be recommended to Cabinet

1. that resolution 5 (Cabinet Minute 48, 2012/2013) be revised to include approval for a direction of growth for Cotes, minute to be worded as follows:

‘RESOLVED

that in light of the evidence, directions of growth for North Charnwood adjoining Shepshed and for Cotes be approved, and that this be included in the emerging development strategy for Charnwood to meet the objectively assessed needs.

Reason

To recognise the importance of avoiding the coalescence of Loughborough, Woodthorpe and Quorn. To recognise the regeneration needs of Shepshed as identified in the Council’s Regeneration Strategy. To ensure that Cotes is available as an alternative option to Shepshed should it be required.’

2. that resolution 9 (Cabinet Minute 48, 2012/2013) be revised to include confirmation of the legal status regarding the development of Wymeswold Airfield, minute to be worded as follows:

‘RESOLVED

that further work be undertaken, to be brought back to Cabinet for consideration, setting out the future development options for Wymeswold Airfield and that the legal status of this option be legally confirmed prior to public consultation on the final Strategy.

Reason

To further explore the potential for developing Wymeswold Airfield for housing, which was supported by many members of the public and would be a more viable option should east Loughborough become more accessible through transport network developments and if the requirements set out in the Regional Plan, for housing to be prioritised on the edge of existing urban areas, was abolished. To ensure that the legal status of the option is clear.'

Reasons

1 & 2. As detailed within the proposed Cabinet reasons, above.

Policy Context

Overview and Scrutiny Procedure Rule 8(d) sets out the procedure by which a report of a scrutiny committee should be considered by Cabinet and Overview and Scrutiny Procedure Rule 13 sets out the procedure for the consideration of decisions which have been called-in.

Background

On 27th September 2012, Cabinet considered a report of the Strategic Director of Housing, Planning & Regeneration and Regulatory Services seeking approval for an emerging development strategy to enable further testing through traffic modelling using the Leicester and Leicestershire Integrated Transport Model, and to provide necessary guidance for the preparation of a pre-submission draft Core Strategy for public consultation. A report of the Overview Scrutiny Group was also considered by Cabinet.

In accordance with Overview and Scrutiny Procedure Rule 13, the decision was Called-in and was referred to the Scrutiny Management Board for consideration, which met to discuss the matter on 17th October 2012.

Having received a report, which included the report considered by the Cabinet and the minute outlining the Cabinet's decision and reasons, and having received evidence from the Cabinet Lead Member for Planning & Sustainability, Councillor Blain, assisted by the Cabinet Support Member for Planning & Sustainability, Councillor Vardy, the Strategic Director of Housing, Planning & Regeneration and Regulatory Services, the Head of Planning and Regeneration and the Group Leader Plans, Policies and Place Making, the Scrutiny Management Board decided that the decision be referred back to Cabinet proposing two alternative resolutions to those agreed by Cabinet.

A copy of the minutes of the meeting of the Scrutiny Management Board are attached as Appendix 1.

An extract from the Cabinet minutes of the meeting held on 27th September 2012, detailing their decisions in relation to the matter, are attached as Appendix 2.

Report Implications

The following implications have been identified by officers for this report.

Financial Implications

The recommendations will have immediate additional costs of between £15,000 and £20,000 although this can be met from the budget during 2012/13. Consequential costs may arise during 2013/14 and these will need to be considered through the budget process.

Risk Management

The risks associated with the decision Cabinet is asked to make and the proposed actions to mitigate those risk are set out in the table below:

Risk Identified	Likelihood	Impact	Risk management Actions Planned
Applications for planning permission are submitted as a result of 5 month delay to programme and a lack of an overarching strategy. This could include any of the alternative SUEs or within a Direction for Growth.	3	5	To ensure that adequate resources are available to meet the indicative timetable for the Core Strategy. To work with Members to ensure that they understand the implications of growth and are in a position to take difficult decisions at Council.
Submission Core Strategy documents fail the tests of soundness at examination.	5	5	The Regulations allow the Council to revisit its proposals prior to taking a decision to submit if it considers that representations(s) suggest there are fundamental soundness issues.

Equality and Diversity

If Cabinet are minded to accept the recommendations the Equality Impact Assessment may need to be amended to reflect the decision.

Crime and Disorder

There are no direct Crime and Disorder issues

Sustainability

The objective assessment of the evidence, gathered to inform the choice of future strategic areas for growth contained in Appendix D of the 27 September Cabinet report (minute 48, 12/13 refers), indicates that the option at Cotes performed less well across a range of indicators than the option at South Loughborough or adjoining Shepshed.

Key Decision: Yes

Background Papers: None

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**SCRUTINY MANAGEMENT BOARD
18TH OCTOBER 2012**

PRESENT: Councillor Miah (Chair)
Councillors Harper-Davies, K. Jones, Jukes, Ranson, Seaton,
Sharp and Sutherland.

APOLOGIES: Councillor Shepherd.

The Chief Executive and the Head of Strategic Support attended the meeting to provide advice to the Scrutiny Management Board.

27. DISCLOSURES OF PERSONAL INTEREST

No disclosures of personal interest were made.

28. DECLARATIONS OF THE PARTY WHIP

No declarations of the existence of the Party Whip were made.

29. LOCAL PLAN POSITION REPORT AND WAY FORWARD – CALL-IN OF CABINET DECISION

The decisions on this matter taken by Cabinet at the meeting held on 27th September 2012 had been subject to three separate Call-ins under Overview and Scrutiny Procedure Rule 13 which required consideration by the Scrutiny Management Board.

A report of the Head of Strategic Support was submitted, which included the report considered by Cabinet and the minute outlining Cabinet's decisions and reasons. Also included were the reasons for Call-ins, the desired outcomes and the process for reviewing the decisions as set out in Overview and Scrutiny Rule 13(d) (item 4 on the agenda filed with these minutes).

The Chair informed Councillors and officers that should they wish to discuss information contained within Exempt Annex 1 of the Cabinet report they should notify him at an appropriate moment during the meeting. A period would then be allotted in the latter half of the meeting when a vote would be taken to move into private session, ensuring that the press and public would only be required to leave the meeting once.

In accordance with Overview and Scrutiny Procedure Rule 13(c), Councillor M. Hunt, as the lead signatory to the first Call-in received, addressed the Scrutiny Management Board and expressed the following views:

- (a) Proposed developments at Garendon and Shepshed were unpopular and greater vision and choice was required.

- (b) There were serious weaknesses in the analysis of Wymeswold Airfield and, as well as Cotes, this option should be fully evaluated. Both schemes would contribute to an urgent need to regenerate the eastern side of Loughborough.
- (c) Development at Wymeswold Airfield would not be detrimental to biodiversity as it was a brownfield site.
- (d) Jobs concentrated on the centre and east side of Loughborough were accessible from Wymeswold Airfield. Rail links were excellent, with connectivity to three cities and an airport. Bus links were currently lacking according to the Index of Deprivation but would improve as the population grew.
- (e) The Cotes and Wymeswold sites were not distant from Loughborough, with Wymeswold Airfield being nearer to the centre of Loughborough than Shepshed. In today's terms the Wolds could be considered to adjoin Loughborough and would be an acceptable development in terms of Policy 3 of the Regional Plan.
- (f) With regard to Cotes, the commercial hub and transport network of Loughborough would be out of balance with residential development.
- (g) If the western edge of Loughborough was developed further congestion would worsen, facilities would be more remote and the separation between Shepshed and Loughborough would erode further.
- (h) Traffic and risk of further flooding were concerns for the Cotes and West Loughborough sites and it was essential that they were subject to complete traffic modelling and environmental testing.

In accordance with Overview and Scrutiny Procedure Rule 13(c), Councillor Osborne, as the lead signatory to the second Call-in received, addressed the Scrutiny Management Board. The Chair agreed to Councillor Osborne's request to split his permitted time to allow him to address the Board in private session later in the meeting. Councillor Osborne therefore used three of his permitted five minutes to highlight the following issues:

- (a) BBP Regeneration Ltd, the independent consultants, indicated that assumptions made with regard to the deliverability of the Garendon option were questionable.
- (b) Development at Shepshed could have a detrimental effect on the ability to deliver the required number of homes at Garendon.
- (c) The possibility of failing to deliver the required number of homes was not reflected within the Risk Register and there was no clear audit trail detailing the reasons for the attributed risk levels.

- (d) It appeared that the DTZ report providing independent validation did not exist.

In accordance with Overview and Scrutiny Procedure Rule 13(c), Councillor S. Smith, as the lead signatory to the third Call-in received, addressed the Scrutiny Management Board, highlighting the following issues:

- (a) A greater number of options should be tested and broader public consultation undertaken.
- (b) Consultation responses to developing the Wymeswold Airfield site were favourable and further testing needed to be undertaken to ensure that the option was not unnecessarily restricted and that the Garendon site was not selected by default.
- (c) Greater clarity needed to be provided on why it was considered to be unlawful to develop the Wymeswold Airfield site.
- (d) Cotes should be investigated as a secondary site to ensure that the Council had an alternative option should problems occur with regard to the Shepshed site.

Councillor Harper-Davies referred to Reason 1 of Councillor M. Hunt's Call-in and to Reason 1 of Councillor S. Smith's Call-in. As Chair of the Overview Scrutiny Group she believed that the Group would have agreed the same recommendations to Cabinet had the Officers' Position Paper to the Project Board been made available as all of the relevant information from it was included within the Cabinet report.

In accordance with Overview and Scrutiny Rule 13(c), the Cabinet Lead Member for Planning & Sustainability, Councillor Blain, had been invited to assist the Scrutiny Management Board with consideration of the matter. He was assisted by the Cabinet Support Member for Planning & Sustainability, Councillor Vardy, the Strategic Director of Housing, Planning & Regeneration and Regulatory Services, the Head of Planning and Regeneration and the Group Leader Plans, Policies and Place Making. In considering the matter reference was made to the following:

- (a) It appeared that there had been a common misunderstanding of the decisions taken by Cabinet. No final strategy had been agreed. Officers have been asked to investigate Cabinet's emerging development strategy.
- (b) Officers were investigating the risks identified for North Charnwood adjoining Shepshed.
- (c) The Council's transport consultants would liaise with Leicestershire County Council regarding transport modelling issues.

- (d) The Cotes option involves the development of 800 homes outside of Loughborough but is considered to be in general conformity with the Regional Plan. The reason it had not been selected as part of the emerging development strategy was because two other options performed better across all tests. However, the chosen option adjoining Shepshed would be subject to further testing and should it prove unworkable it was not inconceivable that Cotes could be reconsidered.
- (e) It was acknowledged that the Local Development Framework had been subject to many delays since the process began in 2004. However, it was hoped that there would be no further setbacks and that Cabinet would consider the next stage in Spring 2013. The only perceivable cause for further hold-ups would be if evidence yet to be gained showed that the emerging development strategy was likely to be found unsound.
- (f) It should be recognised that the deliverability of housing would always be dictated by the market and that when delivering a 15 year plan it was not possible to predict all future fluctuations.
- (g) The Wymeswold Airfield site did not conform with the strategy of urban concentration supported by Cabinet in 2005. It conflicted with the Regional Plan and therefore it would be unlawful to proceed with it as an option. It also performed poorly against a range of sustainability indicators.
- (h) Problems with previous traffic modelling were acknowledged but Leicestershire County Council were the lead authority on highways issues and so the Council were duty-bound to take heed of their advice.
- (i) As stated by Cllr Harper-Davies, all relevant information contained in the Officers Position Paper to the Project Board been included within the Cabinet report.

RESOLVED that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

In accordance with Overview and Scrutiny Procedure Rule 13(c), Councillor Osborne, as the lead signatory to the second Call-in received and as agreed by the Chair earlier on in the meeting, addressed the Board for the remaining two minutes of his permitted five.

RESOLVED that the meeting resume in public session.

In accordance with Rule 5(f) of the Members' Code of Conduct, Councillors Blain and Vardy left the meeting.

RESOLVED that in accordance with Council Procedure Rule 40, the time of the meeting be extended by up to 30 minutes to conclude the item of business.

RESOLVED that it be recommended to Cabinet

1. that resolution 5 (Cabinet Minute 48, 2012/2013) be revised to include approval for a direction of growth for Cotes, minute to be worded as follows:

‘RESOLVED

that in light of the evidence, directions of growth for North Charnwood adjoining Shepshed and for Cotes be approved, and that this be included in the emerging development strategy for Charnwood to meet the objectively assessed needs.

Reason

To recognise the importance of avoiding the coalescence of Loughborough, Woodthorpe and Quorn. To recognise the regeneration needs of Shepshed as identified in the Council’s Regeneration Strategy. To ensure that Cotes is available as an alternative option to Shepshed should it be required.’

2. that resolution 9 (Cabinet Minute 48, 2012/2013) be revised to include confirmation of the legal status regarding the development of Wymeswold Airfield, minute to be worded as follows:

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that further work be undertaken, to be brought back to Cabinet for consideration, setting out the future development options for Wymeswold Airfield and that the legal status of this option be legally confirmed prior to public consultation on the final Strategy.

Reason

To further explore the potential for developing Wymeswold Airfield for housing, which was supported by many members of the public and would be a more viable option should east Loughborough become more accessible through transport network developments and if the requirements set out in the Regional Plan, for housing to be prioritised on the edge of existing urban areas, was abolished. To ensure that the legal status of the option is clear.

Reasons

- 1 & 2. As detailed within the proposed Cabinet reasons, above.

NOTES

1. No reference may be made to these minutes at Council on 12th November 2012 unless notice to that effect is given to the Team Leader – Democratic Services and Mayoralty by five members of the Council no later than noon on Wednesday 31st October 2012.
2. These minutes are subject to confirmation as a correct record at the next ordinary meeting of the Scrutiny Management Board.

Extract from Cabinet minutes.

**CABINET
27TH SEPTEMBER 2012**

PRESENT: The Leader (Councillor Slater)
The Deputy Leader (Councillor Hampson)
Councillors Barkley, Blain, Bokor, Fryer, J. Hunt and Snartt.

APOLOGY: Councillor Harley.

Councillors Capleton, Morgan and Vardy (Cabinet Support Members) were also in attendance.

48. LOCAL DEVELOPMENT FRAMEWORK POSITION REPORT AND WAY FORWARD

A report of the Strategic Director of Housing, Planning and Regeneration and Regulatory Services, concerning the emerging development strategy, enabling further testing through traffic modelling using the Leicester and Leicestershire Integrated Transport Model, and providing necessary guidance for the preparation of a pre-submission draft Core Strategy for public consultation, was submitted (item 6 on the agenda filed with these minutes).

The Head of Planning and Regeneration advised Cabinet that in Appendix B of the report, Consultation Statistics (on pages 28 and 29), the column headings were missing and the columns containing figures were (from left to right): Comments; Support; Objections; Pro-forma letters; Total.

An exempt Appendix (Appendix E) was also circulated to Councillors (filed as an exempt appendix with these minutes).

A report of the Overview Scrutiny Group was also considered (filed with these minutes). In accordance with Council Procedure Rule 8(d), Councillor Harper-Davies, as Chair of Overview Scrutiny Group, addressed Cabinet.

On behalf of Cabinet, the Leader thanked Overview Scrutiny Group for their consideration of the report and for their recommendations.

RESOLVED

1. that the position in relation to the emerging development strategy and consideration and recommendations of the Local Development Framework Project Board regarding traffic modelling be endorsed;
2. that the response to consultation comments on the development strategy options (Appendix B and C and as detailed in Part B of the

- report of the Strategic Director of Housing, Planning and Regeneration and Regulatory Services) be accepted as the basis for identifying an emerging development strategy along with the Sustainability Appraisal, Equalities Impact Assessment and the broader evidence base;
3. that in light of the evidence, confirmation be given to an emerging development strategy for Charnwood that incorporates the options for:
 - (i) Strategic Sustainable Urban Extension (SUE) allocations for housing and employment land at North of Hamilton/east of Thurmaston and West Loughborough; and
 - (ii) a Loughborough Science and Enterprise Park;
 4. that in light of the evidence, a direction for growth for housing and employment land (if appropriate), at North Birstall and a Watermead Regeneration Corridor be approved to be included as part of the emerging development strategy to meet the objectively assessed needs in South Charnwood; subject to consideration being given to the impact on the Birstall area of Leicester City Council's proposals for Traveller Sites and the impact of growth in both the Birstall and Rothley areas on facilities such as medical and education services;
 5. that in light of the evidence a direction for growth for North Charnwood adjoining Shepshed be approved, and this be included in the emerging development strategy for Charnwood to meet the objectively assessed needs in North Charnwood;
 6. that in light of the evidence, the principle that Service Centres receive a level of growth that reflects the decision made in relation to resolutions 3, 4 and 5, as described in paragraph 4.9 and table 2 in Part B of the report of the Strategic Director of Housing, Planning and Regeneration and Regulatory Services be approved, and this be included in the emerging development strategy for Charnwood to meet the objectively assessed needs in North Charnwood;
 7. that the pre-submission version of the Charnwood Core Strategy Development Plan Document be prepared to reflect the emerging development strategy as approved in resolutions 3, 4, 5 and 6;
 8. that the emerging development strategy for Charnwood be used to inform decision taking when considering development proposals in accordance with paragraph 14 of the National Planning Policy Framework; and
 9. that further work be undertaken, to be brought back to Cabinet for consideration, setting out the future development options for Wymeswold Airfield.

Reasons

1. To reflect the decisions made by the Local Development Framework Project Board to enable the timely testing of the transport impact and infrastructure mitigation required for the emerging development strategy.
2. To provide a public statement of the main issues raised through consultation and how those issues have influenced the identification of the development strategy.
3. To confirm that no new evidence has been found that suggests a different view should be taken of the preferred options for SUEs than those approved in September 2008 (Cabinet minute 73 2008/2009) and to determine an emerging preferred option for a development strategy for Charnwood to allow the preparation of further evidence, and the drafting of planning policy and the Sustainability Appraisal of that emerging strategy.
4. To identify an additional preferred option as part of the emerging development strategy for Charnwood to allow the preparation of further evidence, and the drafting of planning policy and the Sustainability Appraisal of that emerging strategy. To acknowledge that current proposals within the Leicester City Core Strategy to locate Traveller Sites near Birstall may have an impact on the local infrastructure in Charnwood and that additional housing in the North Birstall area may impact on overstretched local services, which would need to be addressed.
5. To recognise the importance of avoiding the coalescence of Loughborough, Woodthorpe and Quorn. To recognise the regeneration needs of Shepshed as identified in the Council's Regeneration Strategy.
6. To clarify the implications of selecting growth options, in accordance with recommendations 3, 4 and 5, and the relationship this would have on service centres and their own levels of growth.
7. To enable the drafting of the Charnwood Core Strategy to reflect the emerging strategy and to recognise the requirement for Cabinet and Council approval of that Core Strategy prior to publication under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012.
8. To ensure that the emerging development strategy would be taken into account in decision taking.
9. To further explore the potential for developing Wymeswold Airfield for housing, which was supported by many members of the public and would be a more viable option should east Loughborough become

more accessible through transport network developments and if the requirements set out in the Regional Plan, for housing to be prioritised on the edge of existing urban areas, was abolished.